

cational Affairs, to whom was referred Senate Bill No. 232, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 201, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 246, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred Senate Bill No. 251, have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 257, "An Act to amend Article 6504, Title 115, Chapter 8, Revised Statutes of Texas, 1911, referring to condemnation of right-of-way for double trackage, etc.,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that the same do pass.

BUCHANAN of Scurry,
Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred S. B. No. 174, being a bill to be entitled "An Act providing for the Live Stock Sanitary Commission to co-operate with the Bureau of Animal Industry, United States Department of Agriculture, for the eradication of tuberculosis among cattle within the State of Texas, and providing for the partial indemnification to the owner of cattle reacting to the tuberculin test, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass.

CLARK, Chairman.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Thursday, February 13, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bell. Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Dayton:

S. B. No. 271. A bill to be entitled "An Act to create a more efficient road system for Cooke County, adopting and making a part of this special law, the provision of Chapter 2, Title 18, (Vernon Sayles) Revised Civil Statutes of Texas, as amended by Chapter 203, General Laws of the Regular Session of the 35th Legislature of Texas, providing for the defining of districts in Cooke County, for issuing and levying taxes therein, for the improvement and maintenance of public highways in said county, and for holding elections for such purpose, and for levying taxes for the payment of interest and sinking fund, providing for the creation of a permanent board of Road Commissioners, their election, qualification and compensation as such, and defining the powers and duties of such board, and providing for the employment of County or District Road Superintendent, fixing the salary defining the duties, and prescribing the qualifications of such superintendent, providing for the employment of road keepers in said county and defining their duties, providing for eminent domain in opening, widening, laying out, and straightening of public highways, and in securing material for the construction of maintenance of public highways in Cooke County, making this Act cumulative with all General Laws, etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Dudley:

S. B. No. 272, A bill to be entitled "An Act to amend Articles 3482, 3489, and 3491 of the Revised Civil Statutes of 1914, and to repeal Articles 3492 and 3493, Revised Civil Statutes of 1914, relating to sales of property belonging to estates of decedents and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 273, A bill to be entitled "An Act amending Chapter 147, of the Acts of the Thirty-fourth Legislature for the collection of delinquent taxes. Provided for a reasonable compensation for report of an abstract company or an individual abstractor as to record owner of property reported delinquent, and as to the holders of any liens against said property and report as to subsequent conveyances; charging such fee as additional costs against the delinquent lands, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 274, A bill to be entitled "An Act creating the Charlotte Independent School District covering the same territory heretofore known as Common School District No. 22 in Atascosa County, Texas, and defining its boundaries; and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes; and conferring upon the board of trustees plenary powers; and providing for the trustees to have power and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing school buildings within the same; and to levy a tax therefor; and to pay current expenses for maintenance and support of said schools; providing for a board of equalization, and further prescribing the duty and authority of said board of trustees; declaring valid an issue of bonds heretofore made; declaring valid all maintenance tax heretofore voted and repealing all laws in conflict with this Act."

Read first time and referred to Committee on Educational Affairs.

House Bill No. 27—Re-Committed.

By unanimous consent and on motion of Senator McNealus, House Bill No. 27 was recommitted to the Committee on Public Health.

This bill was reported adversely on yesterday.

House Joint Resolution No. 19.

The Chair laid before the Senate on third reading:

H. J. R. No. 19, To amend Section 50, Article 3, of the Constitution of the State of Texas, to provide that the Legislature shall have power to give or lend or authorize the giving or lending of the credit of the State for the purpose of assisting citizens who are heads of families to acquire or improve their homes; authorizing the State to acquire, improve, sell or lease real estate or assist such citizens to acquire or improve their homes upon terms and conditions prescribed by the Legislature; authorizing the Legislature to create such agencies and corporations as may be necessary to carry out the purposes of this section; providing that obligations created under this section shall never be taxed; and providing that the Legislature shall have authority to provide a method of securing any deferred payments for lands purchased hereunder, and that such obligations shall be secured in addition to the usual liens by an annual assessment collected as a tax against the land; and providing that the Legislature shall have no power to relieve any person from any obligation entered into under this provision or any statute enacted thereunder.

The resolution was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—23.

Alderdice.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Woods.
Floyd.	

Nays—1.

Bailey.

Absent.

Caldwell.	Williford.
Page.	Witt.

Absent—Excused.

Bell.	Hall.
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House Bill No. 98.

The Chair laid before the Senate on third reading:

H. B. No. 98, A bill to be entitled "An Act to fix the compensation of County and District Court jurors in both civil and criminal cases, jury commissioners of the District and County Court, and bailiffs of the grand jury."

The bill was laid before Senate, read third time and, on motion of Senator Dayton, was passed finally.

House Bill No. 44.

The Chair laid before the Senate on third reading:

H. B. No. 44, A bill to be entitled "An Act to amend Article 5597 of Chapter 1, Title 84 of the Revised Civil Statutes of Texas of 1911, so as to make privileged, without proof of actual malice, fair, true and impartial accounts of all executive and legislative proceedings, including all reports and proceedings in or before legislative committees, boards of managers of public educational and eleemosynary institutions, city councils and other governing bodies of cities or towns, commissioners courts and boards of trustees of public schools."

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed finally.

House Bill No. 3.

The Chair laid before the Senate on third reading:

H. B. No. 3, A bill to be entitled "An Act defining and prescribing what shall constitute actionable fraud in this State; and prescribing a rule for damages to be recovered against persons committing fraud as defined in this Act, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed finally.

House Bill No. 29.

The Chair laid before the Senate on third reading:

H. B. No. 29, A bill to be entitled

"An Act to repeal the item for 'salary for two nurses at \$600 each' contained in the appropriation for the Confederate Woman's Home for the years 1918 and 1919, making an appropriation for the salary of two nurses for said Home for the months of January, 1919, to August, 1919, both inclusive, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed finally.

House Bill No. 315.

The Chair laid before the Senate on third reading:

H. B. No. 315, A bill to be entitled "An Act to incorporate Merit Independent School District in Hunt and Collin Counties and to provide for the election of trustees, and to provide for taxation, issuing bonds, providing for the exercise of all powers and privileges incident and belonging to independent school districts, providing for the issuance of bonds for all purposes authorized by law and for maintaining a system of public free schools therein, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency."

On motion of Senator Westbrook, the bill was laid on the table subject to call.

House Bill No. 138.

The Chair laid before the Senate on third reading:

H. B. No. 138, A bill to be entitled "An Act to increase the civil jurisdiction of the County Court of Mitchell County, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

House Bill No. 40.

The Chair laid before the Senate on third reading:

H. B. No. 40, A bill to be entitled "An Act to amend Section 1, S. B. No. 19, Chapter 2, pages 217 and 218 of the published laws enacted by the Thirty-fifth Legislature at its Fourth Called Session, creating the Bellville

Independent School District, revising the metes and bounds of said district, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Parr.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.

Absent.

Caldwell.	Strickland.
Page.	Williford.
Smith.	Witt.

Absent—Excused.

Bell.	Hall.
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House Bill No. 332.

The Chair laid before the Senate on third reading:

H. B. No. 332, A bill to be entitled "An Act creating and incorporating Humble Independent School District in Harris County, Texas, out of the territory now composing Common School District No. 50 of said county, providing that the title of the school property vested in said Common School District No. 50 shall vest in said Humble Independent School District, and that said independent school district assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble Independent School District, providing the time and manner of their election, defining their powers and duties, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—21.

Alderdice.	Buchanan of Scurry.
Bailey.	Carlock.
Buchanan of Bell.	Clark.

Cousins.	Hertzberg.
Dayton.	Johnston.
Dean.	McNealus.
Dorough.	Parr.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Woods.
Gibson.	

Absent.

Caldwell.	Strickland.
Hopkins.	Williford.
Page.	Witt.
Smith.	

Absent—Excused.

Bell.	Hall.
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House Bill No. 216.

The Chair laid before the Senate on third reading:

H. B. No. 216, A bill to be entitled "An Act to amend Section 1 of Chapter 67, Special Laws passed at the Regular Session of the Thirty-fourth Legislature, approved March 22, 1915 creating and defining the boundaries of the Burnet Independent School District in Burnet County, Texas, and to add to said chapter Sections 2a and 2b, validating an order passed by the Commissioners' Court of Burnet County, Texas, changing the boundaries of the Burnet Independent School District so as to embrace the same territory described in this Act, and validating a bond election heretofore held in said district, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

House Bill No. 320.

The Chair laid before the Senate on third reading:

H. B. No. 320, A bill to be entitled "An Act creating the Saratoga Independent School District in Hardin county, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed finally.

House Bill No. 337.

The Chair laid before the Senate on third reading:

H. B. No. 337, A bill to be entitled

"An Act creating the Jasper Independent School District known as Common School District No. 6, in Jasper County, Texas, and defining its boundaries, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion by Senator Cousins, was passed by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.
Faust.	

Absent.

Caldwell.	Williford.
Page.	Witt.
Strickland.	

Absent—Excused.

Bell.	Hall.
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House Bill No. 277.

The Chair laid before the Senate on third reading:

H. B. No. 277, A bill to be entitled "An Act creating and incorporating Harrisburg Independent School District in Harris county, Texas, out of the territory now composing Common School District No. 20, of said county, providing that the title of the school property vested in said Common School District No. 20 shall vest in said Harrisburg Independent School District, and that said independent school district assume the debts of said Common School District No. 20; providing for a board of trustees of said Harrisburg Independent School District, providing the time and manner of their election, defining their powers and duties, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—23.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.

Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	Johnston.
Dayton.	McNealus.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Woods.
Gibson.	

Absent.

Caldwell.	Williford.
Page.	Witt.
Strickland.	

Absent—Excused.

Bell.	Hall.
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House Bill No. 28.

The Chair laid before the Senate on third reading:

H. B. No. 28, A bill to be entitled "An Act ratifying, confirming and validating the incorporation of Manor Independent School District, in Travis county, Texas, and the official acts of its board of trustees; establishing the Clayton Vocational Institute in said school district; creating a trust fund commission and a trust fund treasury for said institute, and defining their powers and duties; making said act cumulative of the general laws, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.

Absent.

Bell.	Strickland.
Caldwell.	Williford.
Page.	Witt.
Parr.	

Absent—Excused.

Hall.

Message From the Governor.

Governor's Office,
Austin, Texas, Feb. 13, 1919.

To the Texas State Senate:

I ask the advice, consent and confirmation of the Senate to the following appointments.

To be a member board of managers hospital for the negro insane: C. H. Fitts, Cherokee county, to succeed S. M. Tenney, Cherokee county, resigned.

To be members Board of Managers Epileptic Colony: C. T. Beckham, Taylor County to succeed himself; L. M. Bennett, Taylor County, to succeed John Boyer, Taylor County.

To be members State Board of Pharmacy: Henry L. Carleton, Williamson County, W. H. Cousins, Dallas County, John A. Weeks, Runnels County, A. W. Griffith, Travis County, Sid Bass, Kaufman County.

Respectfully submitted,

W. P. HOBBY,
Governor.

The above message was referred to the Committee on Nominations of the Governor.

Executive Session—Time Set.

Senator McNealus moved that the Senate go into Executive Session on next Monday morning at eleven o'clock for a consideration of the nominations of the Governor.

The motion prevailed.

Simple Resolution No. 61.

Whereas, Hon. C. O. James, a former distinguished member of this body, is now in the city;

Resolved, That he be given the privileges of the floor and that he be invited to address the Senate.

FLOYD,
SUITER.

The resolution was read and adopted, and the distinguished visitor was conducted to the President's stand and there addressed the Senate.

Senate Bill No. 106 — Conference Committee Elected.

Senator Hopkins made the following privileged motion:

I move that the Senate do not concur in House amendments to Senate Bill No. 106 and request a free conference, and that Senators Floyd, Suiter, Dean, Strickland and Cousins be elected as conferees on the part of the Senate.

HOPKINS.

The motion prevailed, and the committee above named was declared to be elected.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1919.
Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 152, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris County, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

H. B. No. 276, A bill to be entitled "An Act creating the Katy Independent School District in the counties of Harris, Waller and Fort Bend, State of Texas, defining its boundaries and divesting the bodies now controlling the same of the title of all property now held and used for public school purposes within the territory described within the Act and investing the same in the Katy Independent School District, establishing the line dividing the Katy Independent School District as established by this Act and the Common School District No. 14 of Fort Bend County, Texas, as reformed by this Act; providing for the creation of a board of trustees to manage and control the public free schools within said hereby created district, prescribing their qualifications and term of office of its members, defining the rights, powers and compensation of the president and secretary of the board of trustees of said independent district, conferring upon said district and its board of trustees all the rights, powers and privileges and imposing all the duties now conferred

and imposed by the General Laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, levying, assessing and collecting taxes for building and maintaining school houses, maintaining public free schools; authorizing said district to assume the bonded indebtedness of Common School District No. 42 of Harris County, Texas, providing for an election to determine as to assumption of said bonded indebtedness and levying taxes to raise revenue sufficient to provide necessary funds for interest and sinking fund with which to pay off said indebtedness and bonds when they mature, repealing all laws or parts of laws in conflict herewith, and providing that in the event any clause or section of this Act being declared unconstitutional such action of the court shall not invalidate the remaining clauses and sections of this Act, and declaring an emergency."

With engrossed rider.

H. J. R. No. 12, Amending Article 5 of the Constitution relating to the judicial department of the State government by adopting in lieu thereof the following joint resolution.

H. B. No. 342, A bill to be entitled "An Act to incorporate Coin City Independent School District in Gillespie County, Texas, providing for the exercise of all powers and privileges incident and belonging to independent school districts, and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Archer, Hemphill, Roberts, Gray and Madison Counties, and declaring an emergency."

With engrossed riders.

H. B. No. 313, A bill to be entitled "An Act to validate the charter and

incorporation of the city of Stamford, adopted by the qualified voters of said city since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature and filed in the office of the Secretary of State, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 152, referred to the Committee on Stock and Stock Raising.

H. B. No. 276, referred to the Committee on Educational Affairs.

H. J. R. No. 12, referred to the Committee on Constitutional Amendments.

H. B. No. 342, referred to the Committee on Educational Affairs.

H. B. No. 200, referred to the Committee on Stock and Stock Raising.

H. B. No. 313, referred to the Committee on Towns and City Corporations.

Simple Resolution No. 62.

Whereas, Hon. Sam D. Stinson of Hunt County, a distinguished former member of this body, is now in the city; therefore,

Be It Resolved, That he be invited to address the Senate and that the privilege of the floor be extended to him.

WESTBROOK,
GIBSON.

The resolution was read and adopted and the Chair appointed a committee to escort the gentleman to the President's stand where he made a brief address.

Simple Resolution No. 63.

I move that the House of Representatives be and the same is hereby requested to return to the Senate House Concurrent Resolution No. 15 for further consideration.

FAUST.

The resolution was read and Sen-

ator McNealus raised the point of order that the matter referred to in House Concurrent Resolution No. 15 had been definitely disposed of by the Legislature and that this is not the proper procedure to repeal said action.

The point of order was overruled.

Senator McNealus moved to table the resolution and this motion was lost.

Action then recurred upon the resolution and the same was adopted.

House Bill No. 59.

The Chair laid before the Senate on second reading:

H. B. No. 59, A bill to be entitled "An Act to amend an Act passed by the Thirty-second Legislature and approved on the 23d day of March, 1911, by adding to said Act Section 17, providing that the funds hereafter derived from any county road tax or from the sale of any such county road bonds, and not such funds as have been provided by elections in precincts or defined districts, shall be prorated between the commissioners precincts of said Hardin county when said tax is so levied or said bonds are so issued, in the ratio that the amount of taxes collected in the precinct bears to the whole amount so collected or obtained by the county, and the commissioners court shall require the county treasurer to keep a separate account for each commissioners precinct of said county of all the road funds so arising or obtained by the county, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 59 put on its third reading and final passage by the following vote:

Yeas—23

Alderdice.	Dudley.
Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	Johnston.
Dayton.	McNealus.
Dean.	Parr.
Dorough.	Smith.

Strickland. Westbrook.
Suiter.

Absent.

Caldwell. Witt.
Page. Woods.
Williford.

Absent—Excused.

Bell. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed finally.

House Bill No. 215.

The Chair laid before the Senate on second reading:

H. B. No. 215, A bill to be entitled "An Act to repeal Chapter 23 of the local and special laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, the same being an Act to create a more efficient road system for Live Oak county, Texas."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading:

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 215 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.

Absent.

Caldwell.	Williford.
Page.	Witt.
Strickland.	Woods.

Absent—Excused.

Bell. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

House Bill No. 269.

The Chair laid before the Senate on second reading:

H. B. No. 269, A bill to be entitled "An Act to create a more efficient road system for Wood County, making the county commissioners ex officio road commissioners, prescribing their duty as such, providing for monthly reports, requiring each county commissioner to enter into bond in the sum of two thousand (\$2000) dollars, making it the duty of county commissioners to first put in repair all roads heretofore constructed, graveled or clayed, before proceeding to build new roads, to sectionize all roads place in good condition with authority to appoint or contract for road keepers or overseers for each section of road to keep the same in repair, and further defining the duties of road keepers, giving commissioners' court power to adopt such system as seems best except as this Act especially provides, the right to purchase tools, animals, machinery and material for road purposes, and employ and pay for labor, the right to work county convicts upon the road, amount to be paid officers, and necessary rules to govern the working of State convicts, and to allow commutation to those for faithful service, etc., providing for escaped and recaptured convicts to work out costs of recapture, providing for the working on public roads, to prohibit any person from obstructing any public road or fill any ditch along the public road, and providing penalty for same, provided this Act shall be taken notice of by all courts in the same manner as the general laws of the State on this subject, to which it relates, not in conflict therewith, providing this Act shall take the place of and repeal all other special road laws heretofore passed for the benefit of Wood County, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 269 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.
Faust.	

Absent.

Caldwell.	Williford.
Page.	Witt.
Strickland.	

Absent—Excused.

Bell.	Hall.
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On motion of Senator Suiter the bill was laid on the table subject to call.

House Bill No. 131.

The Chair laid before the Senate on second reading:

H. B. No. 131, A bill to be entitled "An Act to amend Sections 3 and 7 of Chapter 32 of the local and special laws of the Regular Session of the Thirty-fifth Legislature, so as to regulate the pay of road hands and teams, and road overseers of Gillespie county, Texas."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 131 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.

Absent.

Caldwell.	Williford.
Gibson.	Witt.
Page.	Woods.

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

House Bill No. 198.

The Chair laid before the Senate on second reading:

H. B. No. 198, A bill to be entitled "An Act to amend Sections 5 and 13, of Chapter 2, of the local and special laws passed at the Regular Session of the Thirty-third Legislature, as amended by Chapter 2 of local and special laws passed at the Regular Session of the Thirty-fourth Legislature, the same being a special road law for Shelby county; requiring ten days' work from each person subject to road duty or to require in lieu thereof the payment of five (\$5.00) dollars by each said person; and to require the commissioners court at the regular sessions of their court in February of every year, or at any time they may see fit, to appoint road overseers; and providing that said five (\$5.00) dollars shall be paid on or before the 1st day of March for the year 1919 and on or before the 31st day of January for every year thereafter; repealing all laws in conflict herewith, and declaring an emergency.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 198 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Dean.
Bailey.	Dorough.
Buchanan of Bell.	Dudley.
Buchanan of Scurry.	Faust.
Carlock.	Floyd.
Clark.	Hertzberg.
Cousins.	Hopkins.
Dayton.	Johnston.

McNealus. Strickland.
Parr. Sulter.
Smith. Westbrook.

Absent.

Caldwell. Williford.
Gibson. Witt.
Page. Woods.

Absent—Excused.

Bell. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Smith, was passed by the following vote:

Yeas—22.

Alderdice. Faust.
Bailey. Floyd.
Buchanan of Bell. Hertzberg.
Buchanan of Scurry. Hopkins.
Carlock. Johnston.
Clark. McNealus.
Cousins. Parr.
Dayton. Smith.
Dean. Strickland.
Dorough. Sulter.
Dudley. Westbrook.

Absent.

Caldwell. Williford.
Gibson. Witt.
Page. Woods.

Absent—Excused.

Bell. Hall.

House Bill No. 67.

The Chair laid before the Senate on second reading:

H. B. No. 67, A bill to be entitled "An Act to amend the act of the Thirty-fourth Legislature entitled 'An Act to create a county court of Jefferson county at law; to define its jurisdiction; to fix its terms; providing for a clerk thereof; providing for the appointment of a judge thereof; fixing the salary of the clerk and judge thereof; providing for the transfer of cases and appeals therefrom.' "

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 67 put

on its third reading and final passage by the following vote:

Yeas—22.

Alderdice. Faust.
Bailey. Floyd.
Buchanan of Bell. Hertzberg.
Buchanan of Scurry. Hopkins.
Carlock. Johnston.
Clark. McNealus.
Cousins. Parr.
Dayton. Smith.
Dean. Strickland.
Dorough. Sulter.
Dudley. Westbrook.

Absent.

Caldwell. Williford.
Gibson. Witt.
Page. Woods.

Absent—Excused.

Bell. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed by the following vote:

Yeas—22.

Alderdice. Faust.
Bailey. Floyd.
Buchanan of Bell. Hertzberg.
Buchanan of Scurry. Hopkins.
Carlock. Johnston.
Clark. McNealus.
Cousins. Parr.
Dayton. Smith.
Dean. Strickland.
Dorough. Sulter.
Dudley. Westbrook.

Absent.

Caldwell. Williford.
Gibson. Witt.
Page. Woods.

Absent—Excused.

Bell. Hall.

Morning call concluded.

Senate Bill No. 119.

The Chair laid before the Senate, on second reading:

S. B. No. 119, A bill to be entitled "An Act to amend Article 1551 Chapter 9, Title 31, Revised Civil Statutes of Texas, of 1911, and also to amend

Article 1627, Title 32, Chapter 9, Revised Civil Statutes of Texas, 1911 so as to provide, in substance, that when the judgment of the lower court is affirmed or reversed and rendered, that the Court of Civil Appeals or the Supreme Court in which said suit is pending, shall at the same time render judgment against the party appealing, together with the sureties on the appeal, or Supersedeas Bond for the amount of judgment so rendered, and providing that the said court shall make such disposition as to costs as may be deemed proper; to repeal all laws in conflict herewith, and declare an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 119 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Dudley.
Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	

Absent.

Gibson.	Williford.
Johnston.	Witt.
Page.	Woods.
Strickland.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed by the following vote.

Yeas—21.

Alderdice.	Dean.
Bailey.	Dorough.
Buchanan of Bell.	Dudley.
Buchanan of Scurry.	Faust.
Caldwell.	Floyd.
Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	McNealus.
Dayton.	Parr.

Smith.	Westbrook.
Suiter.	

Absent.

Gibson.	Williford.
Johnston.	Witt.
Page.	Woods.
Strickland.	

Absent—Excused.

Bell.	Hall.
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Senate Bill No. 110.

The Chair laid before the Senate on second reading:

S. B. No. 110, A bill to be entitled "An Act defining live stock commission merchants; requiring such merchants to give bond; providing for renewal of such bond; imposing penalties for pursuing the occupation of live stock commission merchant when bond has not been made, or when there has been an intentional breach of said bond; requiring remittances of the proceeds of stock sold by such commission merchants to be made to the consignees within forty-eight hours after such sale has been made, either in certified check or bank exchange, unless waived in writing by such consignee; providing for suits under such bond; fixing the venue of such suits; repealing all laws in conflict therewith, and declaring an emergency."

Senator Carlock offered the following amendments, which were read and adopted seriatim:

(1) Amend caption by adding, at the end of line 15, page 1, the following clause: "providing penalties for violations of this Act."

(2) Amend Section 2 of Senate Bill No. 110, page 2, line 19, by striking out the period after the word "year," place a semi-colon and add the following clause:

"Provided, that if the average daily sales of the live stock commission merchant, for a period of three months next prior to his application for a license, shall not have exceeded \$25,000.00, which facts shall be shown by a verified statement of the applicant to that effect, the amount of said bond shall be fixed at the sum of \$25,000.00; and provided further, that any person, firm or corporation who has not theretofore engaged in the business of live stock

commission merchant shall give a bond of \$25,000.00."

(3) Amend line 10 of Section 5, on page 3 of Senate Bill No. 110, by striking out after the word "Act" the clause "shall be deemed guilty of a felony and punished," and substitute in lieu thereof the following:

"Shall be guilty of a violation of this Act and upon conviction thereof shall be punished by."

(4) Amend Section 7, line 3, page 4, by adding at the end thereof the following:

"The County Judge shall receive a fee of \$1.00 for the approval of each bond under this Act."

(5) Amend Senate Bill No. 110 by striking out Section 9, page 4, thereof and substituting the following:

"Section 9. This law shall take effect on July 1st, 1919; the Act of the Thirty-third Legislature relating to commission merchants, and being Chapter 49 of the Public Laws of the Regular Session of said Legislature, approved March 27th, 1913, is hereby repealed, but all rights and liabilities accruing under said Act shall not be in any manner affected or interfered with by the passage of this law, and all laws in conflict herewith are hereby repealed."

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 110 was put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	

Absent.

Alderdice.	Williford.
Johnston.	Witt.
Page.	Woods.
Strickland.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate,

read third time and, on motion of Senator Carlock, was passed by the following vote:

Yeas—21.

Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	

Absent.

Alderdice.	Williford.
Johnston.	Witt.
Page.	Woods.
Strickland.	

Absent—Excused.

Bell.	Hall.
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Senate Bill No. 121.

The Chair laid before the Senate on second reading:

S. B. No. 121, being a bill to be entitled "An Act to amend Article 839, Chapter 1, of the Code of Criminal Procedure of the State of Texas, approved March 31, A. D. 1911, and also to amend Article 2023, Chapter 17, of the Revised Civil Statutes of the State of Texas, approved April 1, A. D. 1911, both articles having reference to the times of filing motions for new trial and in arrest of judgment, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Bailey the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 121 put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.
Faust.	

Absent.

Alderdice.	Strickland.
Buchanan of Bell.	Williford.
Johnston.	Witt.
Page.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed by the following vote:

Yeas—21.

Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Sulter.
Dean.	Westbrook.
Dorough.	Woods.
Dudley.	

Absent.

Alderdice.	Strickland.
Johnston.	Williford.
McNealus.	Witt.
Page.	

Absent—Excused.

Bell.	Hall.
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Simple Resolution No. 64.

Resolved, That Senators Bailey, McNealus and Hertzberg be appointed on the part of the Senate as a committee to escort the Hon. James A. Flaherty to the joint session to be held today in the Hall of the House of Representatives.

CALDWELL.

The resolution was read and adopted, and the Chair appointed the above named Senators on said committee.

Joint Session.

At 11:30 o'clock a. m. the Chair announced that the hour had arrived which was heretofore fixed by concurrent resolution for the Senate and House to meet in joint session to hear an address by the Hon. James A. Flaherty, and directed that the Sen-

ate pass in order to the Hall of the House of Representatives.

In joint session, Mr. Thomason presented Governor W. P. Hobby, who in turn introduced the speaker, the Hon. James A. Flaherty, who addressed the assembly on the work of the Knights of Columbus during the war with Germany.

In the Senate.

At 11:50 o'clock a. m. the Senators appeared in the Senate Chamber and the Senate was called to order by Lieutenant Governor Johnson.

Senate Bill No. 224.

By unanimous consent and on request of Senator Floyd, the Chair laid before the Senate on second reading:

S. B. No. 224, A bill to be entitled "An Act for the relief of the heirs of Charles Broach and to validate a survey of 320 acres of land in Franklin County, made by virtue of certificates granted to William Lane, and to authorize the Commissioner of the Land Office to issue patents thereto."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 224 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Sulter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Woods.
Floyd.	

Absent.

Faust.	Witt.
Johnston.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Floyd, was passed by the following vote:

Yeas—23.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	

Present—Not Voting.

Woods.

Absent.

Gibson.	Page.
Johnston.	Witt.

Absent—Excused.

Bell.	Hall.
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Message from the House.

Hall of the House of Representatives,
Austin, Texas, February 13, 1919.
Lieutenant-Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the return of House Concurrent Resolution No. 15, and said resolution is returned herewith.

Respectfully submitted.

T. B. REESE,
Chief Clerk, House of Representatives.

Senate Bill No. 135.

The Chair laid before the Senate on second reading:

S. B. No. 135, A bill to be entitled "An Act to amend Article 303, Chapter 2, Title 7 of the Revised Penal Code of Texas, 1911, so as to take out of the exceptions contained in the said article, 'markets or dealers in provisions as to sales of provisions made by them before 9 a. m.,' and to re-enact the said article in all other respects, repealing all laws in con-

flict herewith and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 135 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bailey.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Woods.
Faust.	

Nays—1.

Buchanan of Bell.

Absent.

Hopkins.	Suiter.
Johnston.	Witt.

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and Senator Carlock moved to pass the same finally. The bill failed to pass by the following vote:

Yeas—13.

Buchanan of Scurry.	Page.
Carlock.	Strickland.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Witt.
Gibson.	Woods.
Hertzberg.	

Nays—14.

Alderdice.	Floyd.
Bailey.	Hopkins.
Caldwell.	Johnston.
Clark.	McNealus.
Dayton.	Parr.
Dudley.	Smith.
Faust.	Williford.

Present—Not Voting.

Buchanan of Bell.

In Memory
of
Senator John Gallatin Kearby

Senator John Gallatin Kearby, of Wills Point, Van Zandt County, Texas, a former member of the Senate of Texas, died at the home of his daughter, Mrs. T. H. Perry, in Wichita Falls, Texas, on Thursday, January 3rd, 1919, at 6:30 o'clock p. m. He was there on a visit and was stricken with influenza which brought a hasty termination to an active and useful life.

Senator Kearby was born near Gallatin, Tenn., December 3rd, 1848, moving to Texas in early life. He was a lawyer of rare ability and for half a century had been a leading member of the Van Zandt County Bar. He was not only recognized throughout Texas as a great lawyer, but also as a useful, patriotic and loyal citizen, foremost always in every enterprise which had for its purpose the advancement of the welfare of his county and State. At the time of his death, his son, Dr. Allen N. Kearby, of Dallas, was in France, where he had been in the service of his country since and before the United States entered the war. He reared to useful manhood and womanhood four sons and two daughters, all of whom, together with his wife, survive him.

Senator Kearby was a member of the Senate of the Twenty-second Legislature and served with honor and distinction, rendering efficient and useful service not alone to his own district but to the entire State.

RESOLVED, That the Senate of the Thirty-sixth Legislature extend to his surviving wife and children its profound sympathy in their sorrow because of the death of this splendid husband and father, assuring them that in the death of Senator Kearby, not only they, but the entire State, has suffered an irreparable loss.

RESOLVED FURTHER, That a page in the Journal be set apart for this resolution; a copy be furnished to the members of his family, and that when the Senate adjourn this day, it adjourn out of respect to his memory.

SUITER.

The resolution was read and unanimously adopted.

Absent—Excused.

Bell.

Hall.

Recess.

At 12:20 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 3 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

Bills and Resolutions.

(By unanimous consent.)

By Senator Bailey:

S. B. No. 275, A bill to be entitled "An Act to preserve, propagate, and protect the wild game, wild birds, wild fowl of this State, to provide adequate penalties for the unlawful taking, slaughter, sale, purchase, or shipment thereof, to provide for the appointment of Deputy Game Commissioners and fixing their salaries, to define the duties and powers of the Game, Fish and Oyster Commissioner, and his deputies; to fix the venue of prosecution under this Act; to provide for the issuance of a hunting license and prescribing penalties for hunting without a license, to declare that certain moneys shall belong to the Special Game Fund of this State, and the disposition to be made of said moneys, and to repeal all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Smith:

S. B. No. 276, A bill to be entitled "An Act to amend Chapter 36, Section 2 and Section 12 of the General Laws passed by the Thirty-fourth Legislature of the State of Texas, 1915, relating to the organization, time and place of election, qualification and duties of county school trustees, and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Suiter:

S. B. No. 277, A bill to be entitled "An Act to amend Section 11, Chapter 31, of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its First Called Session, being entitled, 'An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature' by providing that nothing in this Act shall make it unlawful for any priest or minister of any religious denomination or sect, to order or receive wine for sacramental purposes only; or for any common carrier to ship, transport, carry, or deliver same to any priest or minister of any religious denomination or sect, for sacramental purposes only and shipped and delivered in accordance with other laws of Texas, relative to shipment and delivery of wine for said purpose; adding Section 11a thereto; and declaring an emergency."

By Senator Hertzberg:

S. B. No. 278, A bill to be entitled "An Act to amend Articles 142, 152, 153, 154, 155, 157, 158, 161, 163, 165 and to repeal Article 156, all of Chapter 1, Title 10, of the Revised Civil Statutes of the State of Texas relating to Judicial proceedings in case of Lunacy."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 279, A bill to be entitled "An Act to amend Article 5714 of the Revised Civil Statutes of the State of Texas, 1911, specifying the conditions under which, stipulations, in contracts in regard to notice of claim for damage as a condition precedent to the right to sue, shall be valid, providing that such stipulations requiring notice within less than ninety days, shall be void, specifying to whom such notice when required may be given, and further providing that no stipulation requiring notice of claim for damages under certain conditions shall ever be valid, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 280, A bill to be entitled "An Act to amend Article 1903 of Chapter 176, of the General Laws of the State of Texas passed by the

"Thirty-fourth Legislature at its regular Session; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 281, A bill to be entitled "An Act to amend Articles 731 and 732 of the Revised Civil Statutes of the State of Texas, 1911, more definitely defining connecting carriers, making each of them an agent for the others, for certain purposes and fixing their contracts relations to shippers, providing that bills of lading, waybills, receipts, checks or other instruments issued by each of such carriers or proof showing receipt of freight, baggage or property for transportation, shall be prima facie evidence of the relations, duties and liabilities of such carriers to the owners or shippers of such freight, baggage or other property transported, notwithstanding, contrary stipulations to the provisions of this Act shall be void: fixing the liability of connecting lines for injury to or loss or delay of any freight, baggage or other property during transportation, providing that there shall be no apportionment of damage in such suits, except at the plaintiff's request, and further providing for a recovery by the carrier sued by the owner or shipper against the carrier or carriers causing the loss or damage and providing in such latter action for an apportionment of damage and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 34.

The Chair laid before the Senate on third reading:

S. B. No. 34, A bill to be entitled "An Act to amend Articles 4621, 4622 and 4624, Title 68, Chapter 3, of the Revised Statutes of 1911, concerning the marital rights of parties, defining the separate and community property of the husband and wife, conferring upon the wife the power to make contracts, authorizing suits on such contracts, repealing Articles 4625 and 4626, Title 68, Chapter 3, Revised Statutes, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was laid before the Sen-

ate, read third time and, on motion of Senator Dorrough, was passed finally.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 24, A bill to be entitled "An Act providing that the interest of a mortgage or trustees under any fire insurance policy shall not be invalidated by any act or neglect of the mortgagor or owner of the property issued by said policy or the happening of any condition beyond his control, and declaring void any stipulation in any fire insurance contract in conflict herewith."

S. B. No. 25, A bill to be entitled "An Act forfeiting the interest of any beneficiary under a life insurance policy or contract when the beneficiary is the principal or accomplice in bringing about the cause of death of the insured."

With amendments.

S. B. No. 150, A bill to be entitled "An Act providing that counties that borrowed money from the State of Texas under the provisions of Section 13, Chapter 4, Acts of the Thirtieth Legislature passed at the Fourth Called Session may by payment of accrued interest be given two years additional time in which to return the principal and declaring an emergency."

The House concurs in Senate amendment to H. B. 45.

The House refuses to concur in the Senate amendments to H. B. 3 and asks the appointment of a Conference Committee. The following have been appointed on the part of the House:

Canales, Miller of Dallas, Pedigo, Rosser and Barnes.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Motion to Reconsider Vote.

Senator McNealus made the following written motion:

I move that the vote by which Senate Bill No. 135 was defeated on its final passage be reconsidered.
McNEALUS.

The motion prevailed by the following vote:

Yeas—17.

Buchanan of Scurry.	Page.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Sulter.
Dorough.	Westbrook.
Floyd.	Williford.
Gibson.	Witt.
Hertzberg.	Woods.
McNealus.	

Nays—11.

Alderdice.	Dudley.
Bailey.	Faust.
Buchanan of Bell.	Hopkins.
Caldwell.	Johnston.
Clark.	Parr.
Dayton.	

Absent—Excused.

Bell.	Hall.
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S. B. No. 135, (See morning session page 348 for caption) was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Senate Joint Resolution No. 3.

The Chair laid before the Senate on second reading:

S. J. R. No. 3, Being a resolution to be entitled "A joint Resolution proposing to amend Article V of the Constitution of the State of Texas, pertaining to the judicial department of the government of the State of Texas, fixing the date of an election to be held hereunder, and making an appropriation to pay the expenses of said election."

On motion of Senator Woods, the resolution was laid on the table subject to call.

Senate Bill No. 54.

The Chair laid before the Senate on second reading:

S. B. No. 54, A bill to be entitled "An Act establishing a State athletic commission and regulating the art of

boxing and sparring exhibitions or performances in the State of Texas."

On motion of Senator McNealus, the bill was laid on the table subject to call.

House Bill No. 3—Conference Committee Elected.

Senator Parr made the following written motion:

I move that the Senate grant the House request for a conference committee on House Bill No. 3, and that Senators Caldwell, Dayton, Strickland, Alderdice and Bailey be elected on the part of the Senate.

PARR.

The motion prevailed, and thereby electing the above named committee.

Senate Bill No. 127.

The Chair laid before the Senate on second reading:

S. B. No. 127, A bill to be entitled "An Act to provide for the sale, lease, transfer, patenting and forfeiture of land belonging to Public Free School Fund, the Lunatic Asylum Fund, the Deaf and Dumb Asylum Fund and the Orphan Asylum Fund, by amending Articles 5407, 5408, 5409, 5410, 5432 and 5435, of the Revised Civil Statutes of 1911, relating to the sale of public school and asylum lands, and to repeal Chapter 150, Act approved April 5, 1915, relating to the sale of public lands, and the reservation of minerals in all lands included in this Act, and declaring an emergency."

Senator Dean offered the following amendment, which was read and adopted:

(1) Amend Senate Bill No. 127, line 9, page 2, by inserting before the word "minerals" the following, "oil, gas, coal and all other."

The bill was read second time, and passed to engrossment.

On motion of Senator Buchanan of Scurry the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 127 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.

Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	Johnston.
Dayton.	McNealus.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Woods.

Absent.

Caldwell.	Williford.
Page.	Witt.

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

Senate Bill No. 82.

The Chair laid before the Senate on second reading:

S. B. No. 82, A bill to be entitled "An Act for the formation of corporations to contract for, erect or construct improvements or structures and acquire, sell or prepare materials used therein."

Senator McNealus moved to adopt the majority (favorable) committee report carrying the following amendment: Strike out the words, "deal in or dispose of."

As a substitute, Senator Suiter moved the adoption of the minority (adverse) committee report.

Senator McNealus moved to table the substitute, and this motion prevailed.

The majority report was then adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator McNealus the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 82 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Clark.
Bailey.	Dayton.
Buchanan of Bell.	Dorough.
Buchanan of Scurry.	Dudley.
Caldwell.	Faust.

23—Jour.

Floyd.	Parr.
Gibson.	Smith.
Hertzberg.	Strickland.
Hopkins.	Suiter.
McNealus.	Westbrook.
Page.	Woods.

Absent.

Carlock.	Johnston.
Cousins.	Williford.
Dean.	Witt.

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate read third time and, on motion of Senator McNealus, was passed finally.

Senate Bill No. 42.

The Chair laid before the Senate on second reading:

S. B. No. 42, A bill to be entitled "An Act requiring every railroad company, interurban car company and street car company doing business in this State during the months of September, October, November, December, January, February and March of each year, and when its cars are in use by and for the accommodation of the public or when being propelled by its employes, to keep each of its said cars at said times sufficiently heated at a temperature of not less than sixty degrees Fahrenheit, for the accommodation and use of its passengers and employes making use of said cars; providing a penalty for the violation of the provisions of this Act, and declaring an emergency."

On motion of Senator Caldwell the bill was laid on the table subject to call.

Senate Concurrent Resolution No. 19.

The Chair laid before the Senate on second reading:

Senate Concurrent Resolution No. 19, relating to the appropriation by the Federal Government for vocational education.

The committee report that the resolution be not printed was adopted.

The resolution was then read and adopted.

Senate Bill No. 161.

The Chair laid before the Senate on second reading:

S. B. No. 161, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the fiscal year ending August 31, 1919, and declaring an emergency."

On motion of Senator Bailey the bill was laid on the table subject to call.

House Concurrent Resolution No. 28.

The Chair laid before the Senate on second reading:

H. C. R. No. 28, House Concurrent Resolution extending invitations to the various Governors, Legislators and others to attend a meeting of the United States Good Road Association and Bankhead National Highway.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous vote.

The committee report that the bill be not printed was adopted.

The resolution was then read and adopted.

Senate No. 155.

The Chair laid before the Senate on second reading:

S. B. No. 155, A bill to be entitled "An Act making an appropriation for the drilling and equipment of a deep well to supply the State Agricultural Experiment Station at College Station with a sufficient quantity of water, for the building of a reservoir and the purchase and installment of a pumping plant in connection therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williford, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 155 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Clark.
Bailey.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Dorough.
Caldwell.	Dudley.
Carlock.	Faust.

Floyd.	Parr.
Gibson.	Smith.
Hertzberg.	Strickland.
Hopkins.	Suiter.
Johnston.	Westbrook.
McNealus.	Williford.
Page.	Woods.

Absent.

Cousins. Witt.

Absent—Excused.

Bell. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Williford, was passed by the following vote:

Yeas—25.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.
Floyd.	

Absent.

Cousins. Witt.

Page.

Absent—Excused.

Bell. Hall.

Senate Bill No. 251.

The Chair laid before the Senate on second reading:

S. B. No. 251, A bill to be entitled "An Act creating the Garwood Independent School District in Colorado County, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes vesting said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said Board of Trustees shall have such authority as is now or may be hereafter conferred by the general laws of the State of Texas

upon Boards of Public School Trustees of Independent School Districts, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 251 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.
Floyd.	

Absent.

Cousins.	Witt.
Page.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed by the following vote:

yeas—25.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Clark.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.
Floyd.	

Absent.

Cousins.	Witt.
Page.	

Absent—Excused.

Bell.	Hall.
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Senate Bill No. 25—House Amendments Concurred In.

Senator Dorough called up for consideration of House amendments to:

S. B. No. 25, A bill to be entitled "An Act forfeiting the interest of any beneficiary under a life insurance policy or contract when the beneficiary is the principal or accomplice in willfully bringing about the cause of death of the insured."

The Chair laid the following House Amendment before the Senate which was read and concurred in by the Senate, as follows:

Amend S. B. No. 25 by adding the following in line 27 after the word "insured" However, providing when such is the case, the nearest relative of insured shall receive said insurance.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following:

H. J. R. No. 19, To amend Section 50, Article 3, of the Constitution of the State of Texas, to provide that the Legislature shall have power to give or lend or authorize the giving or lending of the credit of the State for the purpose of assisting citizens who are heads of families to acquire or improve their homes; authorizing the State to acquire, improve, sell or lease real estate or assist such citizens to acquire or improve their homes upon terms and conditions prescribed by the Legislature; authorizing the Legislature to create such agencies and corporations as may be necessary to carry out the purposes of this section; providing that obligations created under this section shall never be taxed; and providing that the Legislature shall have authority to provide a method of securing any deferred payments for lands purchased hereunder, and that such obligations shall be secured in addition to the usual liens by an annual assessment collected as a tax against the land; and providing that the Legislature shall have no power to relieve any person from any obligation entered into under this provision or any statute enacted thereunder.

S. C. R. No. 20, Inviting Hon. Jas. A. Flaherty to address a joint session of the Legislature.

S. B. No. 24, A bill to be entitled "An Act providing that the interest of a mortgagee or trustee under any fire insurance policy shall not be invalidated by any act or neglect of the mortgagor or owner of the property insured by said policy or the happening of any condition beyond his control, and declaring void any stipulation in any fire insurance contract in conflict herewith."

S. B. No. 25, A bill to be entitled "An Act forfeiting the interest of any beneficiary under a life insurance policy or contract when the beneficiary is the principal or accomplice in bringing about the cause of death of the insured."

S. B. No. 150, A bill to be entitled "An Act providing that counties that borrowed money from the State of Texas under the provisions of Section 13, Chapter 4, Acts of the Thirty-fifth Legislature passed at the Fourth Called Session may by payment of accrued interest be given two years additional time in which to return the principal and declaring an emergency."

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill.

H. B. No. 100, A bill to be entitled "An Act to amend Article 7805 of Chapter 1 of Title 130, of the Revised Civil Statutes of Texas of 1911, as amended by the acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, approved February 23, 1917 (pages 63 and 64, Session Acts, Regular Session, Thirty-fifth Legislature of Texas), so as to define the terms upon which certain foreign corporations whose permits to do business in Texas have been forfeited may be readmitted to do business in Texas, and declaring an emergency."

With engrossed rider.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after its caption had been read, the following House bill:

H. B. No. 100, referred to the Committee on Commerce and Manufactures.

Senate Bill No. 159.

The Chair laid before the Senate, on second reading:

S. B. No. 159, A bill to be entitled "An Act to make an emergency appropriation for the further maintenance for the remainder of the regular session and summer session of 1919 of the College of Industrial Arts, and declaring an emergency."

Senator Westbrook offered the following amendment:

(1) Amend Senate Bill No. 159 by striking out line 17 on page 1 of said bill.

Senator Hopkins moved to table the amendment, and this motion carried by the following vote:

Yeas—14.

Bailey.	Faust.
Caldwell.	Floyd.
Carlock.	Hertzberg.
Cousins.	Hopkins.
Dayton.	Johnston.
Dorough.	Parr.
Dudley.	Smith.

Nays—9.

Alderdice.	Strickland.
Buchanan of Bell.	Suiter.
Buchanan of Scurry.	Westbrook.
Clark.	Woods.
McNealus.	

Present—Not Voting.

Gibson.

Absent.

Dean.	Williford.
Page.	Witt.

Absent—Excused.

Bell.	Hall.
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The bill was read second time and passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to

be read on three several days was suspended and Senate Bill No 159 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dorough.	Woods.
Dudley.	

Nays—1.

Westbrook.

Present—Not Voting.

Gibson.

Absent.

Dean.	Williford.
Page.	Witt.
Strickland.	

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Hopkins, was passed by the following vote:

Yeas—20.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	Parr.
Dayton.	Smith.
Dorough.	Strickland.
Dudley.	Woods.

Nays—1.

Suiter.

Absent.

Caldwell.	Westbrook.
Dean.	Williford.
McNealus.	Witt.
Page.	

Absent—Excused.

Bell.	Hall.
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Senate Bill No. 142.

The Chair laid before the Senate on second reading:

S. B. No. 142, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by City Councils or City Commissions or governing authority in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 142 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Woods.

Absent.

Buchanan of Bell.	Strickland.
Page.	Williford.
Parr.	Witt.

Absent—Excused.

Bell.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed finally.

Privileged Motion.

Senator Dayton made the following written motion:

I move that the Senate request the House to return Senate Bill No. 33 for further consideration by the Senate.

DAYTON.

The motion was read and laid on the table subject to call.

Adjournment.

At 5:03 o'clock p. m. the Senate, on motion of Senator McNealus, adjourned until 10 o'clock tomorrow morning. The adjournment being out of respect to Hon. John G. Kearby, deceased.

APPENDIX.

Petitions and Memorials.

Senator McNealus offered a petition, numerously signed, from citizens of Dallas, favoring the passage of the Hertzberg bill relating to theft of automobiles.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 34 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 58 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 120 carefully compared, and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Ju-

risprudence, to whom was referred

S. B. No. 50, being a bill to be entitled "An Act to amend Subdivision 13 of Article 1830, Chapter 4, Title 37, of the Revised Civil Statutes of Texas of 1911, so as to provide that suits for the partition of lands or other property may be brought in the county where such lands or other property or part thereof may be, or in the county in which one or more of the defendants reside, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by adding at the end of Section 1 thereof the following:

"Provided, that nothing herein shall be construed to fix venue of any suit whose real purpose is to try title to land other than in the county where such land, or a part thereof, may lie."

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 247, being a bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations, by adding thereto Section 80, providing for the creation of private corporations for the purpose of acting as regularly commissioned and licensed agents of fire, fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, plate-glass, burglary, bonding, title, surety or fidelity insurance companies, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 261, being a bill to be entitled "An Act providing for the compensation of the clerks of the Courts of Civil Appeals of Texas; authorizing the employment of a deputy clerk, and providing for the disposition of all costs collected by said clerks, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 234, A bill to be entitled "An Act requiring every purchaser of any motor vehicle or accessories therefor giving a mortgage thereon for the purchase price thereof, or any portion thereof, upon demand, to notify the mortgagee or holder of such mortgage of the location of such motor vehicle; and providing punishment for failure to comply; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 219, being a bill to be entitled "An Act to minimize and prevent the theft of motor vehicles and motor vehicle tires, parts and accessories, providing punishments for violations of this Act and other purposes; and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on

Criminal Jurisprudence, to whom was referred

S. B. No. 240, being a bill to be entitled "An Act to authorize and permit Mrs. Ethel Richburg to sue the State of Texas in the District Court of Wood County, Texas, or in the District Court of Eastland County, Texas, for damages for the death of her husband, who was killed by State Rangers on or about the 19th day of December, 1918, while said Rangers were acting in their official capacity as Rangers of the State of Texas, and without bond or other security for their acts; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

(Floor Report)

Senate Chamber,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 271, A bill to be entitled "An Act to create a more efficient road system for Cooke county, adopting and making a part this special law, the provision of Chapter 2, Title 18, (Vernon Sayles) Revised Civil Statutes of Texas, as amended by Chapter 203 General Laws of the Regular Session of the Thirty-fifth Legislature of Texas, providing for the defining of districts in Cooke county, for issuing and levying taxes therein, for the improvement and maintenance of public highways in said county, and for holding elections for such purpose, and for levying taxes for the payment of interest and sinking fund, providing for the creation of a permanent board of road commissioners, their election, qualification, and compensation as such, and defining the powers and duties of such board, and providing for the employment of county or district road superintendent, fixing the salary, defining the duties, and prescribing the qualifications of such superintendent, providing for the employment of road keepers in said county and defining their duties, providing for eminent domain in opening, widening, laying out, and straighten-

ing of public highways, and in securing materials for the construction or maintenance of public highways in Cooke county, making this act cumulative with all General Laws of the State of Texas on the subject of roads and bridges, when not in conflict herewith, repealing Chapter 23 of the Special Laws of the Twentieth Legislature, and all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and recommend that it do pass, and be not printed.

Woods, Strickland, Page, Williford, Caldwell, Clark.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 22, An Act providing for a uniform compensation for ginning cotton and the price to be charged therefor, etc.,

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that the same do not pass.

BUCHANAN of Scurry, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 228, An Act relating to garages and machine shops, requiring mechanics employed or working therein to pass an examination and secure a license, etc.

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass.

BUCHANAN of Scurry, Chairman.

(Floor Report)

Senate Chamber,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs to whom was referred

House Concurrent Resolution No. 28, "Extending invitations to the var-

ious governors, legislators and others to attend a meeting of the United States Good Roads Association and Bankhead National Highway."

Begs leave to report favorably upon the said resolution, and we recommend its adoption by the Senate, and that it be not printed.

Woods, Williford, Caldwell, Carlock, Clark, Page, Strickland.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 313, "An Act to validate the charter and incorporation of the city of Stamford, adopted by the qualified voters of said city since the enactment of Chapter 147, page 307, of the Acts of the Regular Session of the Thirty-third Legislature,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Johnston, Hertzberg, Carlock, Bailey, Strickland.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 17, being a resolution to be entitled "A Joint Resolution proposing an amendment to Section 3 of Article VII of the Constitution of the State of Texas, by exempting independent school districts created by Special Act of the Legislature from the limitation of a total tax of fifty cents on the one hundred dollars valuation for any one year, and making an appropriation therefor,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

BUCHANAN of R...
Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Con-

stitutional Amendments, to whom was referred

S. J. R. No. 12, a resolution to be entitled "A Joint Resolution proposing an amendment to Section 4 of Article XI of the Constitution of the State of Texas, by increasing the total tax rate that may be levied by cities and towns having a population of five thousand or less from one-fourth of one per cent to not exceeding one and one-half per cent, and making an appropriation therefor,"

Have had the same under consideration, and beg leave to report it back to the Senate with recommendation that it do pass.

BUCHANAN of Bell
Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 7, being a resolution to be entitled "A Joint Resolution of the Legislature of the State of Texas, proposing an amendment to the Constitution of the State by adding to Article 16 thereof a new section, to be known as Section 60, providing for the compensation of public officials,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with an engrossed rider attached with the following

Committee Amendment:

Amend H. J. R. No. 7 that the date of election upon this amendment be held upon the first Tuesday after the first Monday of November, 1920, at the general election.

BUCHANAN of Bell
Chairman.

Engrossed Rider.

Amend H. J. R. No. 7 by striking out the words and figures "Section 59" where it appears in the caption and insert in lieu thereof the words and figures "Section 60."

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Con-

stitutional Amendments, to whom was referred

Senate Joint Resolution No. 18,

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BUCHANAN of Bell
Chairman.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 20, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:25 o'clock p. m. presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 47, copy of which is hereto attached, and find it correctly enrolled, and have this day at 4 o'clock p. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Woods.

S. B. No. 47.

An Act to amend Article 862 of the Code of Criminal procedure of the State of Texas by providing that in case of two or more convictions of the same defendant, the court may either provide in rendering judgment and sentence that the punishments provided shall be either concurrent or cumulative.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 862 of the Code of Criminal Procedure of the State of Texas be so amended that it shall hereafter read as follows:

Article 862. Two or more convictions of same defendant at same term. When the same defendant has been convicted in two or more cases,

and the punishment assessed in each case is confinement in the penitentiary or the county jail for a term of imprisonment, judgment and sentence shall be pronounced in each case in the same manner as if there had been but one conviction, except that in the discretion of the court, the judgment in the second and subsequent convictions may either be that the punishment shall begin when the judgment and sentence in the preceding conviction have ceased to operate, or that the punishment shall run concurrently with the other case or cases, and sentence and execution shall be accordingly.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 15, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:20 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Dorrough. S. B. No. 15.
An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations, by adding thereto Section 77, providing for the creation of private corporation for the establishment and maintenance of garages with authority to purchase, sell, store, house, rent, repair and otherwise deal in automobiles and other motor vehicles and their accessories, gasoline and oils necessary in the operation of motor vehicles, with the right to operate motor vehicles of all kinds (except aeroplanes) for the carriage of passengers and freight, either or both, and to make reasonable charges therefor and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas be amended by adding thereto Section 77, to read as follows:

Section 77. A private corporation may be formed and chartered for the establishment and maintenance of garages with authority to purchase,

sell, store, house, rent, operate, repair and otherwise deal in automobiles and other motor vehicles and their accessories, provided that the right to operate shall not conflict with the ordinances of any incorporated city or town in which they shall operate; gasoline and oils necessary to the operation of motor vehicles.

Section 2. The importance of this legislation and the fact that this is a regular session of the Legislature at which the calendar will be in a crowded condition, creates an emergency and an imperative public necessity which requires the constitutional rule providing that bills shall be read on three several days in each house be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 13, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 68, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:20 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Caldwell. S. B. No. 68.
An Act to make a supplemental appropriation of Three Thousand and Five Hundred (\$3500.00) Dollars for the support and maintenance of the Dairy and Food Department for the fiscal year ending September 1st, 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of (\$3500.00) Three Thousand and Five Hundred Dollars or so much thereof as may be necessary is hereby appropriated out of the public funds of the State of Texas not otherwise appropriated for salaries and expenses for collecting fees under the Pure Food Laws, such fees when collected to be turned into the State Treasurer to the credit of the General Revenue, and for traveling and other expenses, samples; said funds to be expended during the fiscal year ending September 1st, 1919.

Section 2. The fact that the Dairy

and Food Department of the State of Texas has insufficient funds for the maintenance and support for the fiscal year ending September 1st, 1919, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, Feb. 14, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

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Absent—Excused.

Bell.	Westbrook.
Carlock.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Carlock was excused for today and tomorrow on account of important business, on motion of Senator Bailey.

Senators Westbrook and Bell for today and tomorrow, and Senator Bell for yesterday, on account of im-

portant business, on motion of Senator Alderdice.

Bills and Resolutions.

By Senator Buchanan of Bell:

S. B. No. 282, A bill to be entitled "An Act to provide for the care, maintenance and instruction of blind babies and children too small or too backward to enter the State School for the Blind."

Read first time, and referred to Committee on Educational Affairs.

By Senators Caldwell, Dudley, Alderdice, Dean and Williford:

S. B. No. 283, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to issue and sell bonds in the name of the University of Texas, and to obligate the Board of Regents, for and on behalf of the university, to pay such bonds; to provide for the payment of interest on such bonds and to create a sinking fund to redeem them at maturity out of the annual rentals and interest and other income of the lands and bonds constituting the permanent fund of the University of Texas, declared to be a trust fund for those purposes; to pledge such rentals and interest and other income to the payment of interest on said bonds and to the creation of said sinking fund; to provide that said bonds shall not be subject to taxation in the hands of the holders thereof; to authorize the deposit of such bonds as securities by insurance and other companies; to provide for the investment of the sinking fund, when not used for redeeming bonds, in the manner required for the investment of the public free school funds of the State of Texas; to provide for the distribution to and for the use by the University of Texas of the sale of such bonds according to certain percentages, with the authority on the part of the Board of Directors of the Agricultural and Mechanical College of Texas to apportion to the Prairie View State Normal and Industrial College such part of the percentage accruing to the Agricultural and Mechanical College as in its judgment may be necessary; to provide that the proceeds of the sale of said bonds shall be used within the separate discretion of the Board of Regents of